

REMARKS

Applicant has carefully studied the Office Action of February 2, 2004 and offers the following remarks in response thereto.

§ 103

Claims 1, 4-9, 11-21 and 28-33 were rejected under 35 U.S.C. § 103 as being unpatentable over Smith in view of Finley et al., further in view of Sommer et al. and further in view of Golden et al. Applicant respectfully traverses.

Applicant herein encloses a declaration under 37 C.F.R. § 1.131 showing proof of conception as early as December 2000 and diligence from conception to reduction to practice on March 23, 2001. As is readily apparent, there is only a four month span between conception and filing, and a three month span between conception and reduction to practice. By showing conception in December 2000, the declaration effectively removes Smith from the pool of available prior art since Smith has a filing date of January 23, 2001.

Once Smith is removed from the pool of available prior art, the rejection is not properly supported and the claims are in a condition for allowance.

Applicant further traverses the use of Golden et al. As explained in the previous response, Golden et al. is non-analogous art. The standard for analogousness is set forth in the previous response and on page 9 of the Office Action of February 2, 2004, so Applicant does not repeat it herein. Golden et al. is a system that combines packet-switched networks with circuit-switched networks such that a single computer can use both networks through a tool such as a single web browser (see Golden et al., col. 1, lines 19-26). To the extent that it is a single browser using two networks, it is not in the same field of endeavor as putting multiple browsers on a single kiosk. Further, because Golden et al. focuses on enabling a single browser to be used on multiple networks, Golden et al. does not logically commend itself to an inventor trying to put multiple browsers on a kiosk. Thus, Golden et al. fails both prongs of the analogousness test. The Patent Office asserts that Golden et al. is analogous by stating that Finley et al. discloses using a TCP/IP network for communicating between parts of the fuel dispensing system, including a display controller, and Golden et al. discusses controlling bandwidth in a multipoint/multimedia network. However, as stated above, the standard is not whether the

references are analogous with one another, but whether they are analogous to the claimed invention.

The Patent Office, on pp. 9-10 of the Office Action of February 2, 2004, attempts to address this issue by saying that one ordinarily skilled in the art would not be prohibited from using the teaching for using the particular addressing scheme since Golden et al. teaches the use of a particular type of addressing scheme that one ordinarily skilled would look to in order to fulfill the requirements for Smith's internet based system. This is a misstatement of the standard. Something does not have to be prohibited to be non-analogousness. The reference merely need be outside the field of Applicant's endeavor and need further be the sort of reference that does not logically commend itself to an inventor faced with the same problem facing Applicant. MPEP § 2141.01(a). To the extent that Golden et al. is clearly outside the field of the endeavor, Golden et al. continues to fail this prong of the analogousness test. Further, to the extent that a reference about controlling bandwidth does not logically commend itself to someone faced with the problem of conserving IP addresses, Golden et al. does not logically commend itself to an inventor faced with the same problem that faced Applicant. The Patent Office's assertion that it would be logical because of Smith is not an appropriate application of the standard of logically commending itself. The Patent Office's approach assumes that Smith is the starting point. This is incorrect. The starting point is whether someone faced with the same problem as Applicant would look to the reference. As already explained, someone trying to conserve IP addresses does not logically look to bandwidth conservation references for solutions. To this extent, Golden et al. remains non-analogous.

Even if Golden et al. is analogous (a point which Applicant does not concede), it does not show the claim element for which the Patent Office cites it. Specifically, the Patent Office indicates that Golden et al. discloses that the display controller has one IP address and each browser application is assigned a unique port address associated with the IP address, with citations to col. 48, lines 57-61, col. 49, lines 8-30, col. 50, lines 24-46, and col. 52, lines 20-34, 38-45. Applicant has studied these passages and notes that the subnet address described at col. 49, lines 8-30 is, in reality, assigned to a group of circuits (see col. 48, lines 53-63). Thus, the subnet addresses are applied to the groups of circuits used to make the call in the PSTN, and are not applied to individual browser applications as recited in the claims. To this extent, the reference does not show the claim element. Since Golden et al. does not show the claim element,

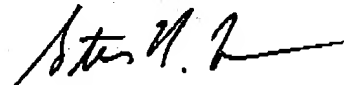
and the other references admittedly do not have the claim element, the combination of references cannot show the claim element. Since the combination of references does not show the claim element, the Patent Office has not established *prima facie* obviousness, and the claims are allowable.

Applicant requests reconsideration of the rejection and claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:


Steven N. Terranova
Registration No. 43,185
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: March 8, 2004

Attorney Docket: 2400-667

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Shapiro, Jeffrey A.</u> Art Unit: <u>3653</u> Fax: <u>703-872-9306</u>	
<u>Kelly Farrow</u> Name of Sender	
<u>[Signature]</u> Signature	
<u>3/8/04</u> Date of Transmission	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rodger Williams et al.

Examiner: Shapiro, Jeffrey A.

Serial No. 09/840,469

Art Unit: 3653

Filed: 04/23/2001

For: **MULTIPLE BROWSER INTERFACE**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

1. We, the undersigned, are the inventors in the above identified application, Serial No. 09/840,469 and its pending claims 1, 4-9, 11-21, and 28-33 ("Application").
2. At least as early as November 1, 2000 we had conceived of the invention claimed in the Application.
3. On December 12, 2000, a meeting was held at Marconi Commerce Systems Inc. (now Gilbarco Inc.), the assignee of the Application, in which this invention in the Application was discussed to further develop the software requirements that the invention was designed to address. During this meeting, it was discussed that a company named AllBrite, under confidentiality and under contract, direction and control by Marconi Commerce Systems Inc., would draft further hardware and software technical specifications in which the invention in the Application would be included for a project at Gilbarco.
4. Between December 12, 2000 and March 30, 2001, Gilbarco and AllBrite worked together to draft a hardware and software specification for a project that included the invention in the Application, review and approve such specifications, build a prototype of the invention in the Application, package the prototype, build units based on the prototype and submit the completed units to the Federal Communications Commission (FCC) and Underwriter's Laboratories (UL) for approval. This information is additionally evidenced in the Invention Disclosure referenced in paragraph 5 below.

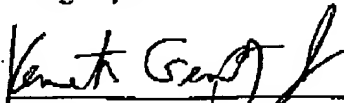
5. Between March 30, 2001 and April 5, 2001, we drafted an invention disclosure on the invention in the Application which is contained in Exhibit A and dated April 5, 2001 (hereinafter the "Invention Disclosure"). This invention disclosure documents the dates set forth herein and memorializes the facts surrounding the development of the present invention in the Application.

6. From April 5, 2001 to April 23, 2001, we worked with outside patent counsel to prepare, review a draft, and file the patent application identified above. The invention contained in the Application was filed on April 23, 2001.

7. We hereby declare that all declarations made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Rodger Williams

3/4/04
Date


Kenneth Gentry Jr.

3/4/04
Date

Exhibit A

04/05/2001 14:09 FAX

INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

(revised 03/07/97)

Sheet 1 of ____

DISCLOSURE NUMBER: GIL- ____

This Invention Disclosure is the property of GILBARCO INC. and it is available only to authorized persons. The contents are for CONFIDENTIAL use only and are not to be disclosed in any manner in whole or in part, except in accordance with established approval procedures.

INSTRUCTIONS FOR COMPLETING THE INVENTION DISCLOSURE:

- Answer all of the questions.
- You may use as many pages as are needed to provide the information requested.
- Illustrative drawings or sketches of the invention are usually necessary. Add additional pages to this document for your drawings if necessary.
- Be sure that all of the inventors sign and date every page.
- Have your project leader also read this disclosure and also sign and date every page as a witness who understands and/or is knowledgeable about the subject matter.

1. TITLE: Multi-display heads, single CPU based Internet browser advertising and coupon printing platform at the dispenser.

2. BACKGROUND OF THE INVENTION:

Discuss the problem that this invention solves, and how has it been previously attacked. Please include a diagram at the end of the form entitled "PREVIOUS METHOD" of the current system without the invention if applicable.

The current method of coupon dispensing and advertising in a fuel dispenser is limited to proprietary solutions. Because the proprietary nature of existing methods, methods to retrofit other dispensers is invasive.

- b) Discuss the proposed solution to the problem, and why is it better than prior solutions?

This solution is an add-on which uses minimum existing dispenser resources.

INVENTOR(S)

(1) Rodger Williams 4/5/01
Signature and date (1st name in full)

RODGER WILLIAMS
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

William Johnson
Read and Understood by Witness
(Print and Sign Name)

(2) Kenneth H. Gentry Jr 4/5/01
Signature and date (1st name in full)

Kenneth H Gentry Jr
Print Name of inventor

(4) _____
Signature and date (1st name in full)

Print Name of inventor

4/5/01
Date of Witnessing

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INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

(revised 03/07/97)

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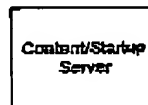
3. DESCRIPTION OF THE INVENTION

Provide a detailed description of the invention, the necessary elements, the connection between the necessary elements, and how it operates/works to achieve its purpose by describing the . Also provide a system level and individual component diagrams of the invention under section 12 - DIAGRAMS.

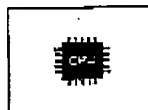
One CPU based PCB, two or more displays, keypad input, LAN, server, connection to a POS, (or other means of getting to a printer)



The device that acts as an intermediary between the content server and printer. This node accepts print messages from the content server when a customer chooses a piece of information (ex. coupon) from the Content Browser Keypad.



This device sends advertising content to the browser nodes, receives keypad presses from the browser and dispatches content print jobs to the Point-of-Sale/Printer Controller.



This device controls one or more content browser display/keypad (or touch screen) units. It provides the application execution platform for any additional business logic to process customer content requests.



This device displays information from the content server and accepts keypad (or touch screen) input from customers. The keypad presses (or touch screen taps) correlate to content requests by customers.

INVENTOR(S)

(1) Rodger Williams 4/5/01
Signature and date (1st name in full)

Rodger Williams
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

William L. Johnson
Read and Understood by Witness
(Print and Sign Name)

(2) Kenneth H. Gentry Jr. 4/5/01
Signature and date (1st name in full)

Kenneth H. Gentry Jr.
Print Name of inventor

(4) _____
Signature and date (1st name in full)

Print Name of inventor

4/5/01
Date of Witnessing

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INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

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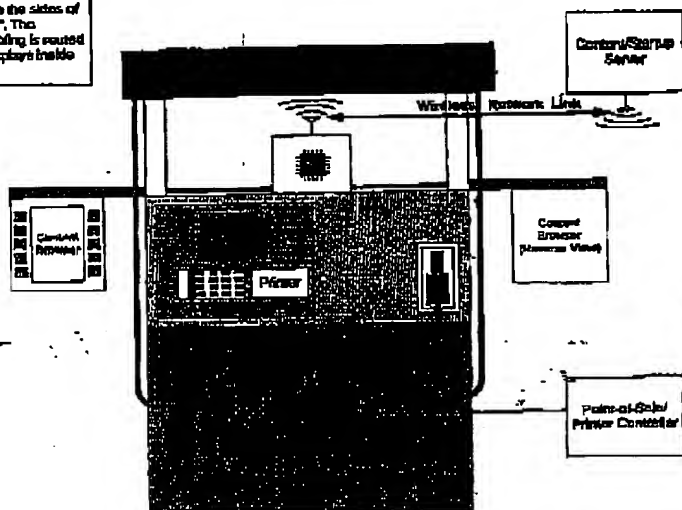
4. PREFERRED EMBODIMENT / BEST MODE

Provide a description of the best way to practice the invention by providing a text description and by pointing out features, flow paths, etc. in the diagrams.

A single CPU based PCB will start two or more processes, one per display. Each process will then start a browser application for the sole purpose of advertising and redirecting user feedback to a server connected on the network.

The browser application will then open a full screen frameless window in addition to a backchannel application. The backchannel application will be responsible for conveying user feedback such a keypress or pointer selection to a server on the network.

Preferred Embodiment
In the preferred embodiment, the CPU would be mounted on top of a base (the dispenser). Two browsers would be suspended on the sides of the dispenser on "Browsers". The necessary electrical cabling is routed from the CPU to the displays inside the "Brow" bracket.



INVENTOR(S)

(1) *Rodger Williams* 4/5/01
Signature and date (1st name in full)
Rodger Williams
Print Name of inventor

(2) *Kenneth H Gentry Jr.* 4/5/01
Signature and date (1st name in full)
Kenneth H Gentry Jr.
Print Name of inventor

(3) _____
Signature and date (1st name in full)

(4) _____
Signature and date (1st name in full)

Print Name of inventor

Print Name of inventor

William S. Johnson
Read and Understood by Witness
(Print and Sign Name)

4/5/01
Date of Witnessing

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INVENTION DISCLOSURE

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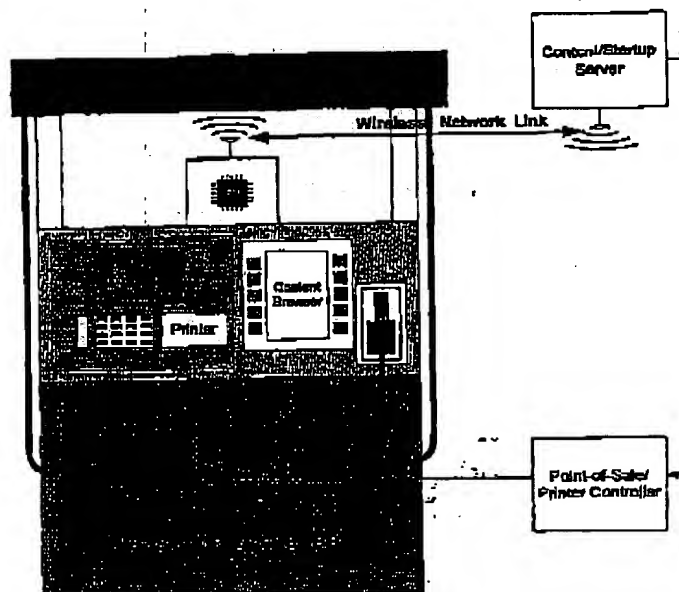
5. ALTERNATIVE EMBODIMENTS

Provide other alternative ways to practice the invention by providing text, diagrams, and pointing out features, flow paths, etc. in the diagrams.

- The CPU could also drive a printer and is an integral part of the retrofit.
- The wireless network link could also be replaced with a wired networked solution.

Alternate Embodiment #1

In this embodiment, the CPU would be mounted on top of a gasoline dispenser. Two browsers would be attached to the doors of the dispenser. The necessary electrical cabling is routed from the CPU to the displays inside the dispenser.



INVENTOR(S)

(1) Rodger Williams 4/5/01
Signature and date (1st name in full)

RODGER WILLIAMS
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

William S. Johnson
Read and Understood by Witness
(Print and Sign Name)

(2) Kenneth H. Gentry Jr. 4/5/01
Signature and date (1st name in full)

Kenneth H. Gentry Jr.
Print Name of inventor

(4) _____
Signature and date (1st name in full)

Print Name of inventor

4/5/01
Date of Witnessing

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INVENTION DISCLOSURE

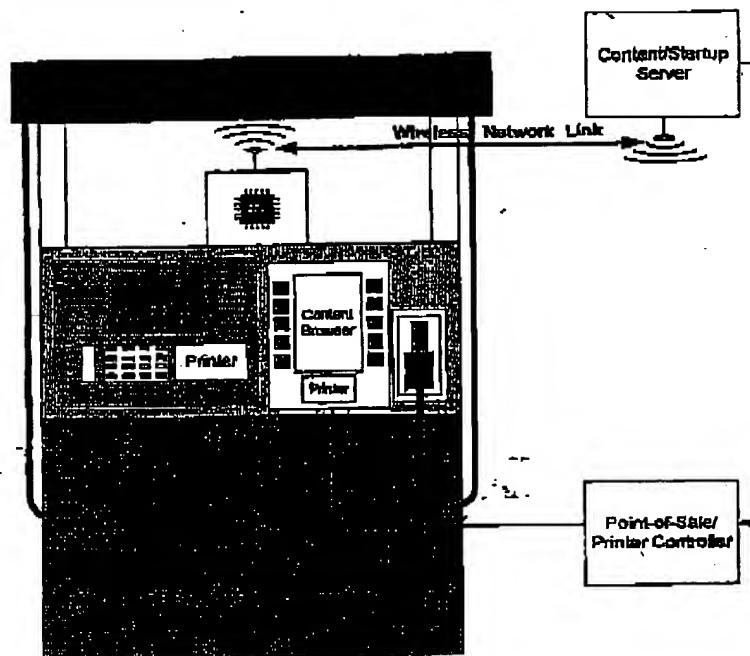
PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

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Alternate Embodiment 22

In this embodiment, the CPU would be mounted on top of a gasoline dispenser. Two browsers would be attached to the doors of the dispenser. The necessary electrical cabling is routed from the CPU to the displays inside the dispenser. The content printer is built into the display unit.



INVENTOR(S)

(1) *[Signature]* 4/5/01
Signature and date (1st name in full)
RODGER WILLIAMS
Print Name of inventor

(2) *[Signature]* 4/5/01
Signature and date (1st name in full)
Kenneth H Gentry Jr
Print Name of inventor

(3) _____
Signature and date (1st name in full)

(4) _____
Signature and date (1st name in full)

Print Name of inventor

Print Name of inventor

[Signature]
Read and Understood by Witness
(Print and Sign Name)

4/05/01
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INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

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6. CONCEPTION OF INVENTION

- a) Who contributed to the conception of the invention, and when? Rodger Williams and Ken Gentry (11/1/00).
- b) Who contributed to the development and/or testing of the invention and when? Rodger Williams, Ken Gentry, Richard Smith (Planar/Birworks), Rudy Timmerman (Planar/Birworks), Lenny Baledge (Planar/Birworks)
- c) What was the problem that led to this invention?
- d) First disclosure to others (oral or written)? 12/12/00
- e) Date of first disclosure? 12/12/00
To whom?
- f) Date of 1st sketch or drawing (attach copy)? January 5th, 2001
- g) Location of sketch or drawing? Marconi
- h) Date of 1st written description? January 5th, 2001
- i) Location of written description (attach copy)? Marconi


7. DEVELOPMENT OF INVENTION

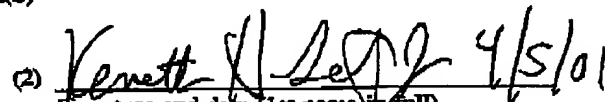
- a) Date when development was started? November 1st, 2000
- b) Is a model or prototype available? Yes
- c) Location of model or prototype? Marconi
- d) Date of 1st test? March 23, 2001
- e) Where and how recorded? Passport Test Lab

8. FIRST DISCLOSURE OUTSIDE OF GILBARCO


- a) Has the invention been disclosed to anyone outside of Gilbarco? Yes.
- b) If YES to (a), do we have a confidentiality agreement with the outside party? If so, please provide.
- c) Has the invention been published in any manner? No.
- d) Dates of disclosures? 12/12/00
- e) Give details of the disclosure.

INVENTOR(S)

(1)  4/5/01
Signature and date (1st name in full)
RODGER WILLIAMS
Print Name of inventor

(2)  4/5/01
Signature and date (1st name in full)
Kenneth H. Gentry Jr.
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

Read and Understood by Witness
(Print and Sign Name)

(4) _____
Signature and date (1st name in full)

Print Name of inventor
4/5/01
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INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

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This memorandum will re-cap the EMS team/AllBrite meeting activities that took place on December 12, 2000. [REDACTED]

GSO Attendees:

[REDACTED]

AllBrite/Planar/Bitworks Attendees:

[REDACTED]

The meeting started with a revised presentation, which included the requests made by GSO then continued to mechanical, electrical and software issues. Once all parties concluded that the specifications where feasible, the group then proceeded with initial timeline estimates for deliverables (See below).

The GSO team then met separately and agreed that AllBrite was the most capable and elected to be the EMS partner.

[REDACTED]

[REDACTED]

Software core issues discussed:

INVENTOR(S)

(1) [Signature] 4/5/01
Signature and date (1st name in full)

RODGER WILLIAMS
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

[Signature]
Read and Understood by Witness
(Print and Sign Name)

(2) [Signature] 4/5/01
Signature and date (1st name in full)

Kenneth H Gentry Jr.
Print Name of inventor

(4) _____
Signature and date (1st name in full)

Print Name of inventor

4/5/01
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INVENTION DISCLOSURE

PROPRIETARY AND CONFIDENTIAL INFORMATION OF GILBARCO INC.

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- IceBrowser license agreement for EMS. Legal to review Icesoft contract.
- BIOS for 440BX chipset. Allbright currently investigating AMI. LinuxBios could be a potential fit in the future.
- Support for both Samba and NFS on the EMS Linux flash image.
- AllBrite thin client will have a DHCP client of the AMBOS server. TFTP will be used to retrieve the entire Linux kernel image and root file system into memory.

Hardware core issues discussed.

- Bitworks needs to add sound support.
- Immediate: A way to set the sound level needs to be defined. It should be settable by the manager, which implies via the AMBOS somehow. (Required for initial release)
- Near term: The sound level needs to adjust itself based on ambient noise levels. We discussed using a microphone in each unit to sample the sound when all of the unit's speakers were inactive. Does it make sense for the AMBOS to say "sample now"? (Need to determine where this fits in the schedule.)
- Far term: If the microphone was fed into the codec, then a digital intercom could be easily implemented. Just need to add a display-less unit (with more keypad switches) for the attendant.
- Wireless solution to be researched by MCS [REDACTED]

INVENTOR(S)

(1) [Signature] 4/5/01
Signature and date (1st name in full)
RODGER WELLCAMS
Print Name of inventor

(2) [Signature] 4/5/01
Signature and date (1st name in full)
Kenneth H Gentry Jr.
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor
William S. Johnson
Read and Understood by Witness
(Print and Sign Name)

(4) _____
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INVENTION DISCLOSURE

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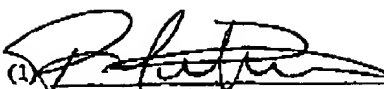
Sheet 9 of ____

10. FIRST COMMERCIAL USE OR SALE

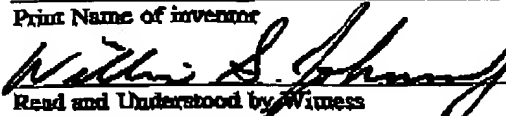
- a) Has the invention been shown, given, used, tested, or advertised for sale outside of Gilbarco?
No.
- b) Date?
- c) To Whom & Where?
- d) Has any contract been signed to supply invention to others?


11. CLOSEST PRIOR PUBLICATIONS, PATENTS, INVENTION DISCLOSURES AND PRIOR PRODUCTS OR USES

INVENTOR(S)

(1)  4/5/01
Signature and date (1st name in full)
RODGER WELLENANS
Print Name of inventor

(3) _____
Signature and date (1st name in full)

Print Name of inventor

Read and Understood by Witness
(Print and Sign Name)

(2)  4/5/01
Signature and date (1st name in full)
Kenneth H. Gentry Jr.
Print Name of inventor

(4) _____
Signature and date (1st name in full)

Print Name of inventor
4/5/01
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INVENTION DISCLOSURE

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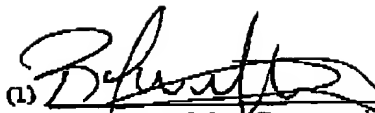
Sheet 10 of ____

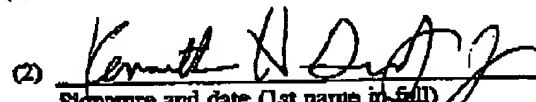
12. DRAWINGS

Prepare as many diagrams as needed to fully illustrate both the PREVIOUS METHOD and the CURRENT INVENTION. The CURRENT INVENTION is usually best illustrated by providing a system level diagram and more detailed individual diagrams of each different piece of the system.

Diagram 1: PREVIOUS METHOD

INVENTOR(S)

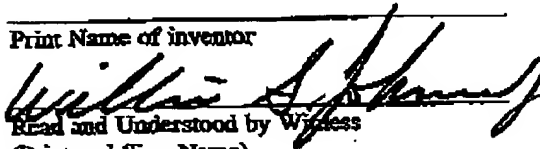
(1)  4/5/01
Signature and date (1st name in full)
ROGER WILLIAMS
Print Name of inventor

(2)  4/5/01
Signature and date (1st name in full)
~~Kenneth H Gentry Jr~~
Print Name of inventor Kenneth H Gentry Jr.

(3) _____
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(4) _____
Signature and date (1st name in full)

Print Name of inventor


Read and Understood by Witness
(Print and Sign Name)

Print Name of inventor

4/5/01
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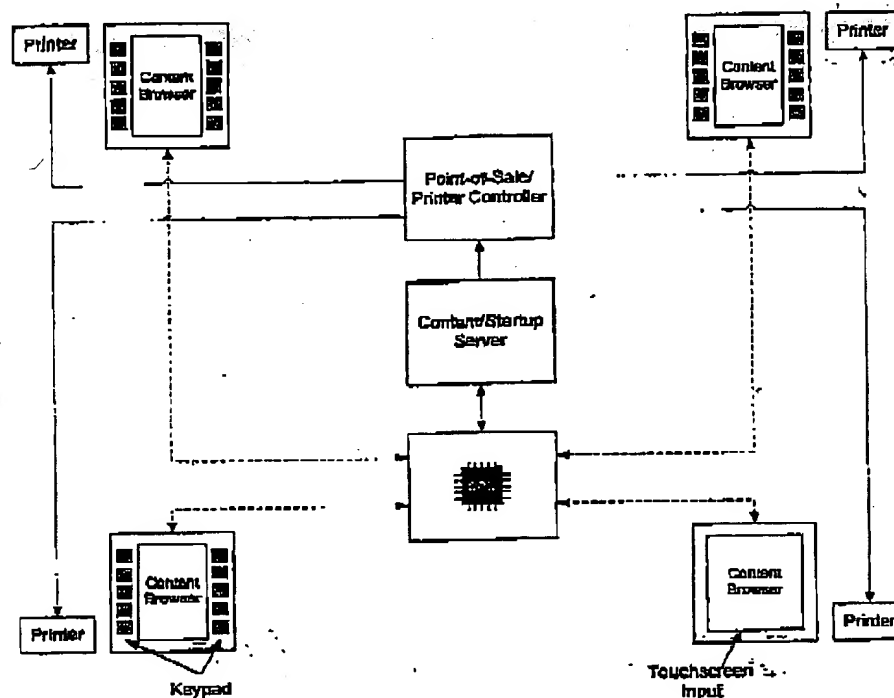
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(revised 03/07/97)

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Diagram 2.3, etc.: CURRENT INVENTION - SYSTEM LEVEL



INVENTOR(S)

(1) *[Signature]* 4/5/01
 Signature and date (1st name in full)
RODGER WILLIAMS
 Print Name of inventor

(2) *[Signature]* 4/5/01
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Kenneth H Gentry Jr.
 Print Name of inventor

(3) _____
 Signature and date (1st name in full)

(4) _____
 Signature and date (1st name in full)

Print Name of inventor

Print Name of inventor

[Signature]
 Read and Understood by Witness
 (Print and Sign Name)

4/5/01
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